

FILED

NOVEMBER 8, 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

07 C 6451

LORI GREINER,
An Individual,

Plaintiff,

AND

FOR YOUR EASE ONLY, INC.

An Illinois Corporation,

Plaintiff,

v.

CVS CORP.,

A Rhode Island Corporation,

Defendant,

ATICO INTERNATIONAL USA, INC.,

A Delaware Corporation

Defendant.

Civil Action No. _____

CEM

**JUDGE NORGLER
MAGISTRATE JUDGE COX**

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff alleges as follows:

The Parties

1. Plaintiff, Lori Greiner ("Ms. Greiner"), is an individual and has a place of business at 1301 North Dearborn Parkway, Chicago, Illinois 60610.

2. Plaintiff, For Your Ease Only, Inc, ("For Your Ease Only"), is a corporation organized and existing under the laws of Illinois and has a principal place of business at 1301 North Dearborn Parkway, Chicago, Illinois 60610.

3. Upon information and belief, Defendant, CVS Corp. (“CVS”), is a corporation organized and existing under the laws of Rhode Island and has a principal place of business at One CVS Drive, Woonsocket, RI 02895. CVS has approximately 225 retail locations within the State of Illinois.

4. Upon information and belief, Defendant, Atico International USA, Inc. (“Atico”), is a corporation organized and existing under the laws of Delaware and has a principal place of business at 501 S. Andrews Avenue, Fort Lauderdale, FL 33301.

Jurisdiction

5. This is a claim of patent infringement arising under the Acts of Congress relating to patents, 35 U.S.C. §§ 171, 271, 282-285, and 289.

6. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

Count I

Patent Infringement

7. On September 26, 1996, United States Patent No. D528,840 entitled JEWELRY STORAGE CONTAINER was duly and legally issued to Ms. Greiner. Ms. Greiner is the owner of the entire right, title and interest in and to United States Patent No. D528,840 and has been and still is the owner thereof. United States Patent No. D528,840 is attached as Exhibit A.

8. Ms. Greiner started For Your Ease Only to sell a variety of original products. For Your Ease Only has successfully sold and continues to sell products, including the product called “Gold and Silver Safekeeper Mirrored Jewelry Cabinet” (“Mirrored Jewelry Cabinet”), including sales on QVC.

9. Upon information and belief, CVS has had manufactured for it, offered for sale, sold and used a Mirrored Jewelry Box which infringes United States Patent No. D528,840. Pictures showing CVS's infringing product are attached as Exhibit B.

10. Upon information and belief Atico has worked with CVS to have manufactured, offered for sale, sold or used a Mirrored Jewelry Box which infringes United States Patent No. D528,840, and/or induced or contributed to such infringing acts by CVS or others.

11. A customer notified For Your Ease Only that CVS sold the infringing Mirrored Jewelry Box, indicating a belief it was the same as For Your Ease Only's patented Mirrored Jewelry Cabinet.

12. Upon information and belief, Defendants have had actual knowledge of United States Patent No. D528,840 and their infringement of this patent has been and continues to be willful and deliberate.

13. Plaintiff has been damaged by Defendants' infringement of United States Patent No. D528,840 and will continue to be damaged in the future unless Defendants are permanently enjoined from infringing said patent. The Defendants' infringing activities are eroding the market value of the patented product and are causing FYEO lost profits and other damages.

Prayer for Relief

WHEREFORE, Plaintiffs pray for the following relief:

a. A judgment that Defendants have infringed United States Patent No. D528,840;

b. An injunction enjoining and restraining Defendants, their officers, directors, agents, servants, employees, attorneys and all others acting under or through them, directly or indirectly, from infringing United States Patent No. D528,840;

c. A judgment and order requiring Defendants to pay damages under 35 U.S.C. § 284, including treble damages for any willful infringement as provided by 35 U.S.C. § 284, with interest;

d. A judgment and order requiring Defendants to pay profits as provided by 35 U.S.C. § 289;

e. A judgment and order directing Defendants to pay the costs of this action (including all disbursements) and attorney fees as provided by 35 U.S.C. § 285, with interest; and

f. Such other and further relief as this Court may deem just and equitable.

Demand for Jury Trial

Plaintiffs hereby demand that all issues be determined by jury.

LORI GREINER AND
FOR YOUR EASE ONLY, INC.,

By their attorneys,

Date: November 8, 2007

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